



REMARKS

On the late Printed Demonstrations, shewing

That the Lord Chancellor of Ireland ought to grant a Commission of Delegates to Archdeacon Mathews upon his Appeals and Querel of Nullities presented to his Lordship with his Petition.

1. **N**OT only *Legal* but *Mathematical Demonstrations* (altho' both be certainly true) may be contradicted by witty men and upon some colour of reason. Proofs in the *Mathematicks* are seldom disputed, because no man's Interest is shaken by the overthrow of speculative foundations; few men will lay out the fee of ten Shillings to disprove this Problem, *That a Circular Line is not Angular*: But evidences in matters of law (which as far as the nature of them can bear are demonstrative) may be controverted by mercenary breath for many years, and at last perhaps confuted and rejected by an ingenious nicity upon the interest of a party. It is evident, *That a delegated power is not the supreme Power*; that if there be right there ought to be remedy; and that an *Appeal* lies from the *Delegate* to the *Delegant*: Yet to support an iniquous or erroneous Ecclesiastical Sentence, and to uphold an usurpation grounded upon that sentence, Counsels being feed may say, That those notions are absurdities; *That appealing from Regal Commissioners Ecclesiastical to the King is as Ab eodem ad eundem*, notwithstanding *St. Paul's* appeal from *Festus* to *Cesar*; and that the *Lisburn Commission* was an Ecclesiastical flail against which there is no defence. But Counsels may consider the Statute of 3 Ed. 1. c. 9. which says, *That if any Serjeant, Pleader, or other do any manner of deceit or collusion in the King's Court, or consent unto it in deceit of the Court and the Party, and thereof be attainted, he shall be imprisoned for a year and a day, and from henceforth shall not be heard to plead in that Court for any man.*

2. It is necessary that the Lord Chancellor should be rightly informed in the law of Appeals, before his Lordship will deny the Petitioner a Commission of Delegates. It may be said in the Petitioners Case as in the Case of the Aylesbury-men, *That the liberty and property of all the subjects are concerned and at stake in this Case.* Those are not good Politicks which are against natural Justice and the divine law; The Throne is establish'd by Justice; A just appeal is Her Majesty's Protection to her subject for his Allegiance to her; *Dominus Rex est omnibus et singulis de Regno suo Justitiæ Debitor*: The Queen's will is revealed by the law; The law abhorreth failure

of Justice; The High Court of Chancery is *Officina Justitiæ*, and is always open to admit the *just complaints* of the subjects, and to relieve them with *remedial Writs* or *Commissions*. That Court is the *supreme fountain* of Her Majesties *Ordinary Justice* in this Kingdom, and is not *shut up* against the Petitioner. The Queen's Attorney and Solicitor General of Ireland lately declared before the Ld Chancellor and the Judges in this Case, *That the Petitioner by Law ought to have in the said Court of Chancery a Commission of Appeal*. Judges have not power to judge according to that which they think fit, but that which out of the laws they know to be right and consonant to law, *Co. 7. Rep. 27.* and this is a Law, *Summa charitas est facere justitiam singulis & omni tempore quando necesse est; Westm. 1. c. ult.*

3. It is absolutely *necessary* for the Petitioner, That he should obtain out of the High Court of Chancery in Ireland a Remedial Commission of Delegates; for *otherwise* he can never Vindicate his *Innocency*, and he must for ever be *Excluded* from any Relief under intolerable oppressions, and especially the unjust Sentence of *Excommunication* given against him; for a Commission of Review is of meer Grace and the bounty of the Prince: It is no ordinary remedy or the *Right* of the Subject when he is *Wrong'd*; It may be *Denied* him, and was *Denied* to the Petitioner. The Supplication for it can be made only to the Person of the Prince, and a Second Supplication in the Case may not be admitted; and *the First* comes too late after 2 years & 10 days from the grievous Sentence: and the Commission of Review, if it be granted, hath not the *Suspensive effect* of an Appeal. There is great difference between a Commission of Review and a Commission of Appeal; and in Ireland the Case must be regulated by the Canon Law: *Differt Supplicatio ab Appellatione in pluribus; 1. Appellatio debet fieri infra decem dies; sed Supplicatio potest fieri infra decem dies, & etiam infra duos annos, & non ultra. 2. Appellatione pendente non potest fieri executio; Pendente verò Supplicatione fit Executio. 3. Appellatio fit ad alium Judicem Superiorem; Supplicatio autem fit ad eundem Judicem qui pronunciavit. 4. Appellatio est remedium Ordinarium & concernit meram Justitiam, quia est species defensionis; sed supplicatio concernit gratiam, & est remedium extraordinarium; Conceditur enim ex merâ benignitate & gratiâ Principis. 5. Appellare permittitur bis à qualibet sententiâ; sed supplicari non potest nisi semel. 6. Qui Appellat, conqueritur de Judice, quòd iniquam tulerit sententiam: sed qui supplicat, non debet conqueri de Judice, quia turpe esset allegare iniquitatem tam Magni Judicis; sed debet allegare negligentiam suam et petere veniam proprii erroris, vel allegare circumventionem adversarij. Marant. Spec. De App. n. 15, 16, 17, 18, 21, 22. Extra. l. 1. Tit. 41. c. 4. h. Cod. l. 1. tit. 19. c. 5. & l. 7. tit. 65. c. 5. Sect. 5. Lancell. De Attent. p. 352. De Recursu seu Revisione causæ per modum Supplicationis.*

4. An Appeal may be considered in two Respects, viz. as to its formality, or in the Substance of it; *Marant. De app. n. 340, Sylvestrin. Sum. de app. n. 1.* As to the first, The Supream Prince or the Makers of a Statute or Positive Law may justly *modify, alter, or take away* the Antient Legal Form and Order of Appealing: They may Ordain, that in certain cases Appeals shall not be

be made to the Prince in his Court of *Chancery*, but leave these to the disposition of the Common Law, or reserve them in *unwonted Cases* to the Cognizance or Consideration of the Prince himself; and these Lawgivers might declare *That frivolous Appeals should not be admitted*, because indeed they are not Appeals, but *frustratory Complaints* interposed merely to *stop the Course* of the Law and the Execution of Justice; Thus *Q. Eliz.* in her first Ecclesiastical Commission granted in *England* and grounded on the Act 1 *Eliz. c. 1.* required the Commissioners *clearly to reject all frustratory Appeals: prout Commission dated 19 July 1 Eliz. in Offic. Rot. Canc. Angl.* And the like Clause was inserted in the Ecclesiastical Commission in *Ireland* grounded on the like *Irish Act 2 Eliz. c. 1.* dated 6 October 6 *Eliz. in Rot. Hib.* Whereby it may be a further *Demonstration*, that it was not the *Intention* of the Qu. in the said Commissions, or of the Parliaments in those Acts, that the Subjects, *being unjustly aggrieved by those Commissioners*, might not make their just Appeals from them; for only *frustratory Appeals* were rejected. Which likewise appears by the *English Act of 39 Eliz. c. 8.* which declared, *That the Sentences of Deprivation given against Bishops and Deans within the first Four Years of that Queen's Reign were Just and Lawful, and that their Appeals made from those Sentences were made in Secret, and also were unjust and unlawful; and therefore those Sentences should remain good and sufficient in Law, notwithstanding any Appeal to the contrary.* The Makers of that Act doubtless had examined those *Sentences and Appeals*; and knew that those Bishops and Deans, holding their Temporalities immediately from the Crown, had *refused the Oath of Supremacy exacted on them by the said Statute 1 Eliz.* under pain of Deprivation *ipso facto*; and this matter of fact was notorious and confessed; *Poph. Rep. 60. Burnets Hist. Part 2. p. 401.* Those Sentences were *Declaratory* of the said Statute and as *Executory Precepts* issued against the Parties who had incurred that Penal Law made by their own consent, and by which they were concluded; and in this Case they could complain of none but of themselves. *Gravamen juris non est gravamen: Qui non gravatur ab aliquo nisi a seipso non potest Appellare, Bald. de App. f. 255. n. 10.* But there is a strong *implication* in the aforesaid Act, that if the said sentences had been unjust and unlawful, or that if the said Appeals had been just and lawful, they had not been rejected; and that the Archdeacons & other inferior Eccles. Beneficiaries, if they had been unjustly deprived by Regal Commissioners Ecclesiastical within those Four Years, might have appealed from their Sentences; *As all might* after those Years, if their Appeals had not been frustratory: altho indeed those Appeals (being out of the Orders prescribed by the *English Acts 24 H. 8. c. 12 and 25. H. 8. c. 19.*) must be made to the Queen in Person.

An appeal, as to the substance of it, is due to the subject by natural Justice and by the divine law; because it is a defence and a common right against wrong, and no Statute or Power, no Emperor or Pope can take it away; This was the Resolution of Temporal & Ecclesiastical Judges, and of the Lds. Ch. J. Dyer and Cook in 4, Inst. 340. *Ipse Papa non potest committere quin ex causâ possit appellari*; Durand. Spec. l. 1. p. 155. n. 6. *Jus appellandi*

ita spectat ad Principis superioritatem, ut ipse non possit concedere ne ad eum appelletur; Pereir. tit: App. p. 17. n. 54. This is a Provincial Constitution of the Church of England, *Statutum ad auferendum Oppressis appellationis remedium penitus reprobamus*, Lynw. p. 116. and this Excellent Expounder of that Canon says, That a Statute prohibiting a just appeal is contrary to the doctrine of the Catholick Church and likewise repugnant to natural reason, which dictates to every man self-preservation, and to defend himself from injury; *Ibid. glos f. g.* This is a Rule of natural equity and Chancery, *Indultum à jure beneficium non est alicui auferendum, ut inducia ad appellandum*; *Sext. Jur. Reg. 17.* And it is a maxim of the common law and of reason, That every man may lawfully defend himself and his goods against an unlawful power; *Dr. & Stud. D. 1. p. 7, 15.* The Petitioners appeal is a just and necessary complaint of arbitrary, illegal and oppressive proceedings and sentences against him; and the iniquity of them are apparent on their faces. *De jure communi liberum est appellare, quandocunq; aliquis gravatur*; *Extra. l. 1 tit. 3. c. 1. g. Tenet appellatio, licet inhibita est in Literis; quia remotio appellationis non impedit appellationem, ubi quis manifestè gravetur*; *Id. l. 2. tit. 13. c. 10. g. Omnis oppressus liberè appellet, et à nullo prohibeatur*; *2 q. 6. c. 3. Quoties aliquis appellaverit, audientia sibi non denegetur*, *Ibid. c. 9. Omnis oppressus sive injustè gravatus, quicunq; sit, possit appellari*; *Durand. Spec. l. 2. p. 828. Appellari potest generaliter ab omnibus tam Delegatis quàm Ordinariis*; *Id. p. 830, 838. Si per Legem vel Statutum tollatur appellatio, non censetur sublata, quando quis manifestè gravetur*; *Lancell. p. 236. n. 25.* This is the Law and Practice in the Imperial Chamber; *Statuta de non appellando ad Superiorem non valent, quia defensionem auferunt*; *ideoque Camera non obstantibus hujusmodi Statutis appellationes recipit*; *Gail. Observ. p. 235. n. 15.* Pope Clem. 5th in the General Council held at Vienna on a complaint against an Emperor decreed, *Defensionis facultatem, quæ à jure pervenit naturali, non licet Imperatori tollere*; *Clem. l. 1. tit. 11. c. 2.* The Books of the Canon-Law, concerning appeals, are full of this doctrine; and the clause *app. rem.* in Papal and Regal Commissions Ecclesiastical is a negative pregnant, and this exception confirms the general Rule, That an appeal lies from Delegates as well as from Ordinaries. Upon the appeal of *Q. Cath.* from the Popes special Commissioners Ecclesiastical in a cause of Incest of *K. H. 8.* The King's Agent in Rome certified him that the Pope could not possibly deny a Commission upon that appeal, and that nothing but injustice and meer violence could stop it, of which the whole world cry out shame; *Commissionem hujusmodi Pontifex non potest negare, nisi injustitia et mera vis inferatur, adversus quam omnis mundus exclamaret*; *Burnet's Hist. part. 1. Collect. p. 17.* and tho' that Pope, viz. Clement. the 7th. empowered those Commissioners to act and decree in that cause arbitrarily & without deference to any appeal, *De plano & omni recusatione & appellatione remotis*, yet he could not refuse this appeal made to his person, and thereupon he wrote to the Parliament of England *A. D. 1529.* that in a Congregation held at Rome upon this matter, All the Cardinals unanimously declared, that

That he could not deny the Queen a Commission of Appeal, *Unanimi Omnium Cardinalium voto conclusum est, Commissionem causæ appellationis hujusmodi per Nos negari non posse*; *Herb. Hist. p. 336.* The Canonists in this Point further say, Give to the Devil his due; *Appellationis remedium non est denegandum etiam Diabolo, si adesset in judicio*; *Durand. l. 3 p. 42. n. 6. Lancellet p. 196. n. 14. Bert. Tom. 4. p. 177. Vener. p. 294. n. 30. Rotæ Nov. Decis. 364.* The Laws of Nature and of God are immutable; and as a just Appeal is due by the Law of Nature, as before hath been proved, so have the Canonists resolved that such Appeals are due by Divine right: *Appellatio est defensio de Jure Divino, & nemini auferenda est in casibus in quibus quis juste & de jure Appellare potest*; *Vener. Exam. Episc. p. 132. n. 20. and p. 346. n. 1.* This right of Appealing, is grounded on *Numb. 35. 12. Jer. 26. 15, 24. Acts 25. 11.* with other Texts in Holy Writ. Therefore the aforementioned considerations with the golden Rule, Do as ye would be done to, may prevail on my Lord Chancellor to allow the Petitioner's Appeals.

5. The vigour of the *Irish Branch* in the Act, 2 *Eliz. c. 1.* concerning Regal Commissions Ecclesiastical, and the repeal of the like Branch in *England*, can be no just Argument against the allowance of the Petitioner's Appeals. For the *Vertue* and *Substance* of this Branch is *Declaratory* of the Common-Law, viz. the Queen's Ordinary not her *Extraordinary Eccles. Prerogative*: And the reasons of repealing that Branch by the *English Act 16 Car. 1. c. 11.* were partly expressed in that Act, viz. because the High Commissioners Ecclesiastical had oppressed the Subjects by *Colour* of some words in that Branch; but not by the vertue of that Branch or by the *Intent* and *Reality* of any Words in it. This Branch Authorized the Commissioners to execute the *Premisses*, viz. Ecclesiastical Jurisdiction lawfully, and under the Queen and her Successors, any *Cause* or *Objection* of the Papists or Puritants to the contrary notwithstanding; But these Commissioners thought that they might legally Act and Decree in such manner as the Powers were Committed to them; and they got into their Commission *Prerogative Powers* of Proceeding *De plano & App. remota*, and thereby they oppressed the Subjects, acting without any form of Law, and without deference to any Appeal, viz. they proceeded Arbitrarily and Uncontroulably, as the Temporal Judges resolved in 4 *Inst. 328.* But moreover the Repeal of that Branch was very convenient in *England*: For Appeals from the Erroneous and Unlawful Proceedings and Sentences of Regal Commissioners Ecclesiastical in *England*, were out of the *English Acts, 24, & 25, H. 8.* concerning Appeals. The Makers of these Acts had not then Recognized the King's Headship in Ecclesiastical Causes, and thereby He could not Delegate Ecclesiastical Jurisdiction; and therefore it would have been *Præposterous* in them to provide for Appeals from Regal Commissioners and Eccles. Visitors; whereas the Power of creating them was not acknowledged to be in the King before 26. H. 8. c. 1. And tho the said Acts did not restrain the King from receiving Appeals made to his Person from Regal Commissioners Ecclesiastical, yet those *Devolutive Appeals* were as extraordinary remedies of

of the Subjects in their Grievs; they were out of the Orders of the said Acts, and the *negative* words in those Acts seemed to have *Shut up* the great Office of Ordinary Justice in the Supream Court of Chancery of *England* from such Appeals; But in *Ireland* the Case is otherwise as hath been aforeshewn; and therefore the *admittance* of the Petitioner's said Appeals in the Chancery here is lawful, and may Support the said *Irish Branch* as *Flourishing, Fruitful* and *Salutary*; and instead of *Oppression*, formerly in the High Commission-Courts, *Behold Judgment*; and *instead of a Cry, Behold Righteousness*: And the Iniquity of such Proceedings and Sentences will not be Visited on the Land, but on the guilty Parties in the Court of Delegates.

6. The Petitioner in his printed Argument in this Case, p. 32, 34, 43, 46, 162, 169, & 174 hath *demonstrated*, That the proceedings and sentences of the said *Lisburn-Commissioners* against him were *unjust, unlawful, and sinful*; and especially those of *Excommunication* and *Deprivation*; *Ibid. p. 46 to 70, & 162 to 195*. Therefore the Petitioner in praying to the Queen for a pardon of that *excommunication* (which was inflicted upon no contempt or fault in him, but was their own grievous sin) would *prophane* the sacred power of the *Keys*, and mock Justice, Truth & his own Conscience; *Non est petenda absolutio, cum iniqua fertur sententia; Ea non se absolvi quis desideret, quâ se nullatenus perspicit obligatum, 11. q. 3. c. 46*. But this Excommunication ought to be heard & determined in her Majesties Court of Delegates, whether the Petitioner was lawfully excommunicated or wanted a pardon; *An absoluteione indigeat conquerens vel denunciatus sit potius non ligatus; Extra. l. 29. c. 36. Judex superior potest declarare subditum irrationabiliter extitisse anathemate mucrone percussum; Id. De app. c. 54*. All Lawyers, who ever wrote or spoke concerning appeals (except those against the Petitioner) have declared, That an Excommunicated person cannot be denied an appeal: And it does not seem fair, that the Petitioner's appeal may not be admitted from the said Excommunication, meerly lest he should in justice obtain a Commission of Appeal from the other Sentences.

7. Suppose, *what cannot be denied*, that the Proceedings and Sentences of the said *Lisburn-Commissioners* against the Petitioner were manifestly erroneous and iniquous, inordinate and causeless, repugnant to the Tenour of their Commission, and contrary to the laws of God and of Man: Ought those *Proceedings* to go uncorrected, and those *Sentences* to pass *in res judicatas*? Must a *failure* of Justice be made only in the Petitioner's Case? and must he have in his grievances no *Ordinary remedy* but *Patience*? Ought a Man to be less relieved because he is more oppressed? The said *Commissioners* *Sequestred* into the Hands of their *Host* in *Lisburn* all the Revenues of the Petitioners Archdeaconry & Prebend upon pretence of his not Paying *Proxy Money* and Fees to them as Regal Visitors; and the said *Host* perfected to them a Bond of 1000l. to pay them those Revenues: Whereas no Law *obliged* the Petitioner to pay them any *Proxy-Moneys* or Fees; and they were never *demanded* of him by Libel or Citation, and the Payment of *Proxy Money* to Regal Visitors was *Prohibited* by the *Irish Statute* 28 H.8. c.5. and this *Prohibition*

bitio is still of force here, according to the *Ld Chancellor's Excellent History of Ireland*, Part 1. p. 248. The Common-Law *Abominates* such iniquous & Vexal Sentences of Judges; *Moor.* 540. *Cro. Eliz.* 491. *Hetl.* 86. *Co.* 4. *Rep.* 56. 5. *Rep.* 51. 2. *Inst.* 56. 656. 3. *Inst.* 224. 4. *Inst.* 274. And the Canon--Law says, *Inquisitio Criminosorum debet fieri expensis Fisci*; *Marant spec.* p. 216. n. 207. The said Commissioners *Subscribed* their Libel against the Petitioner with a *Volumus Te Puniri* upon their own pretended *meer and noble Office*: By their Sentences they *Deprived* him of his said Archdeaconry and Suspended him of his Prebend and Chancellorships, not as a criminalous Man, but *Propter Commissa Permissa sive Neglecta quatenus Archdeacon--* And in the same Sentences they *condemned* him to pay the expences of their said *Noble Office*: Those sentences shew'd their fraud & malice against him, to render him *Odious*. An Appeal is a *Complaint* not only of the *unskilfulness*, but also of the *Iniquity* of an Ecclesiastical Judge; and *that* Judge ought not to take it ill, that the *Grieved Party* does Appeal from him, since the Appellant useth but the Benefit of the Law and of a Just Defence.

8. An Appeal and a *Writ of Error* holds indeed on the same reason, *viz.* a natural defence; but the Ecclesiastical Appeal is a more beneficial Right of the subject than a Temporal Writ of Error: for an Appeal is a present remedy and relief not only against the *legal mistakes* but also against the iniquities & injuries of the Ecclesiastical Judge; and this Appeal may be a publick as well as a private good: It may support Religion, as in the case of the first Reformers and *Protestants*; and it may preserve the Innocent and save the soul of the unjust Judge by his Repentance and Restitution: *He that doth wrong shall receive for the wrong which he hath done, and there is no respect of persons*: *Coloss.* 3. 25. *Prax. Eccles. tit.* 25 1. 2. q. 6. c. 37. The Eccles. Judge, who gives the damnatory sentence, must admit the criminal's appeal: *Sciant omnes in capitali supplicio damnatis appellationem esse concessam, et super crimine damnatus appellatione secuta videtur non damnatus*, *Gail.* p. 256. n. 11. An appeal lies in causes of heresy; *Reform. Leg. Eccles.* p. 22. c. 1. & p. 26. c. 10. The Popish Inquisition allows heretick's to appeal; *Paramus De Inquis.* p. 606: n. 10. And the Inquisition in *Lisburn* ought not to exceed the severity of the Popish Inquisition; of which the very name might strike all Protestants with Horror. The Lord Chancellor's printed *Alvice* to the Roman Catholick's of *Ireland* may abate their Conversion, if they knew that Protestant Bishops in *Lisburn* denied just Appeals & Apostles, and that those Appeals were also denied or delayed in the Supreme Court of Ordinary Justice in this Kingdom. The Petitioner, after his other appeals aforesaid, appealed from the said *Lisburn* Commissioners for their denying Apostles upon the said Appeals; The Law strictly commanded them, *under high penalties*, not only to defer to those Appeals, but also to deliver *gratis* Apostles to the Appellant; *Cod. l. 7. tit. 62. c. 21. Si Judex legitimæ appellationi non detulerit & causa fuerit criminalis, deponetur*; *Reform. Leg. Eccles. De. app.* c. 48. *Non est in facultate Judicis, ad quem appellatum fuerit, vet recipere vel renuere appellationem; quin si justa fuerit, eam recipere cogitur*; *Ibid.* c. 51. In the
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Petitioner's case, his said appeal's from the said Lisburn Commissioner's Sentences, (disseizing him of his Freeholds in their own names, and for their advantage, and at the instance of one *Talbot Keen*; and not in the King's name or for his Interest) are as upon civil actions; *Pæna privationis officii vel beneficii non facit causam criminalem sed civilem*, *Marrant. Spec. p. 41. n. 32, 35.* In *Huddleston's* Case the whole Court of B. R. 29. *Eliz.* Resolved, That a writ of error ought to be granted to him in Chancery without suit or Petition for it to the person of the Queen; for if he be driven to his Petition, great delay might be used, and his life might end before he could obtain his Writ; 4. *Inst.* 214, 215. *Stat. of Claren. c. 8.* directs that for lack of Justice the Appeal shall be made to the King; *And every Judicial Act, which by any Statute is referred the King, is understood to be done in some Court of Justice*, 2 *Inst.* 186, 187: Therefore it may be hoped, That the Lord Chancellor in the Petitioner's Case will grant to him a remedial Commission of Appeal *Ex debito et in Officina Justitiæ*; Especially since every Subject hath a right to seek redress for every injury; and a Writ of Error is not a Writ of Grace and Favour, but of Right, yea even in criminal & capital causes: and the denial of this Writ to the Subject, when duely applied for, is an obstruction of Justice, and a Breach of *Magna Charta*: and that it is certain, the subject is never concluded by any judgment till he comes to the last Resort fixed by law in that Case: as hath bin lately resolved in the Case of Aylesbury-men aforementioned.

9. The pretended Lapse of fatals or desertion of appeals are not examinable before the Ld Chancellor; His Lordship in this Case is a *Statute-Judge*, to examine the *legality* but not the *merits* or *formality* of an appeal; Such pretences are conusable only in the Court of Delegates: *Gail. Observ. p. 237 n. 1.* and *p. 238. n. 4.* But the Petitioner's appeals are safe in law from desertion: It was not the Petitioner's fault that the Commission of Appeal was not sooner granted; *Lis quæ in Consistorio Principis speratur inferri, absque damno moræ intacta permaneat, donec ipsam faciat introduci, & à Proceribus dirimi juxta morem*; 2. q. 6. c. 41. *Extra. l. 2. tit. 28. c. 50. Si stat per Judicem appellationis non currunt fatalia, Cod. l. 7. tit. 63. c. 2.* The Petitioner's appealing to King *William* in person, and to him in his Chanceries of *England* and *Ireland*, instead of appealing to the Chief Governor of *Ireland* in the High Court of *Chancery* here, was no fatal error, but a misdirection: And there was in the Petr's said appeals the legal *Saving* for altering the form thereof. His *Grievances* are excessive, continued, and always appealable. The Laws favour the Appeal rather than the Sentence, by cause of *Innocency*: Many *Condemned* persons have been found *Innocent* upon their *Appeals*; and the Courts receive more *Honour* by Absolution than by Condemnation: Therefore the Lord Chancellor of *Ireland*, respecting the matters more than the Persons in the Petitioner's Appeals, may grant unto him a Commission of Delegates in *Juris & Justitiæ Complementum*, upon his Petition for Right and Justice. 6 DE 58

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